

## **REMARKS**

### **I. Introduction**

Claims 1 to 12 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 1 to 12 Under 35 U.S.C. § 112, first paragraph**

Claims 1 to 12 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The gist of this rejection is that the Examiner does not understand the meaning of “indirect selection of control parameters.” In this regard, the Examiner assumes that both a direct and indirect selection refer to addressing a particular memory location by a direct mapping of one or more bits to the particular memory location, and therefore the Examiner concludes that he cannot discern a difference between an indirect selection as recited in claim 1, and a direct selection as recited in claim 2.

Applicant respectfully submits that the pending claims are readily understood by those of ordinary skill in the art. Claims are not to be read in a vacuum, but in light of the specification. When this rule is followed, and the claims are read in light of what the specification teaches, especially that which is taught, e.g., at page 2, lines 2 to 6, Applicant submits that the Specification provides support for the claimed limitations, and that one of ordinary skill in the art would be able to reasonably discern the respective scopes of coverage of claims 1 and 2.

The Specification teaches that a direct selection refers to a selection of a particular memory location based on a direct assignment of one or more bits to that memory location. For example, two bits provide four possible combinations. With a direct assignment of bits to memory locations, four memory locations can be alternatively addressed. By contrast, an indirect selection refers to a selection of a particular memory location based on an identification of a particular vehicle version. Accordingly, the values of the same two bits do not refer to particular memory locations, but rather identify one of four possible vehicle versions. Instead of addressing one of four memory locations, a processing unit may address one of four memory locations for each of numerous memory location sets. For example, the processing unit may refer to numerous categories of vehicle functions or devices. A different set of memory locations may be assigned to each category of vehicle functions or devices. During processing, the processing unit may refer to different ones of the memory sets according to an algorithm. Accordingly, based on the algorithm, the

processing unit may provide for reading out different memory locations for the same two bit combination of the vehicle version code, depending on the step of the algorithm being executed.

For example, with respect to a first aspect of vehicle control, a first computation may be performed using as input the vehicle version code to obtain a first memory address for retrieving stored information or to obtain a first parameter for use in performing the vehicle control. With respect to a second aspect of vehicle control, a second computation may be performed using as input the same vehicle version code to obtain a second memory address for retrieving stored information or to obtain a second parameter for use in performing the vehicle control. Accordingly, with algorithmic processing, where each algorithm is unique to a particular aspect of vehicle control, a large number of memory addresses or parameters may be obtained from a single vehicle version code.

In particular, it is noted that this approach results in a reduction in an amount of required memory space, both with respect to the size of a code that is required and with respect to memory locations. For example, while for some aspects of vehicle control a different memory location or parameter may be needed for each different vehicle version, this might not be the case for other aspects of vehicle control. Instead, different memory addresses or parameters may be provided for different groups of vehicle versions, rather than for each individual vehicle version. For example, for a particular aspect of vehicle control, the algorithm may provide for determining whether the vehicle version code is above or below a certain predefined value. For all vehicle versions for which a corresponding code is provided that is below the predefined number, a first memory address or parameter may be output, while for the others a different memory address or parameter may be output. Accordingly, only two memory addresses or parameters may be provided for this exemplary aspect of vehicle control.

The Specification clearly states that instead of a direct assignment of bits or bit combinations to particular memory addresses or parameters for a control of a vehicle, the code is assigned to a vehicle version which undergoes processing to obtain a parameter or a memory address. (See Specification, page 2, lines 1 to 20, and page 3, lines 8 to 20). Accordingly, one skilled in the art would be able to discern the meaning of an indirect selection as explained above in connection with the Specification.

Accordingly, the Specification provides support for the features recited in claims 1 and 2. Withdrawal of this rejection is therefore respectfully requested.

### III. Rejection of Claims 1 to 5, and 7 to 11 Under 35 U.S.C. § 103(a)

Claims 1 to 5, and 7 to 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Volkswagen official repair manual for model year 1999 Jetta/Golf/GTI (the “Manual”) and U.S. Patent No. 5,513,107 (“Gormley”). It is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable the present claims for the following reasons.

As set forth in Applicant’s Response, filed May 16, 2005, the Office Action incorrectly asserts that the discussion in the Manual regarding a code discloses an indirect selection of control parameters by algorithmic processing of values of a plurality of bit positions, and means for such selection. The code, described at page 1-32, is unrelated to a codeword stored in memory having a plurality of bit positions. Unlike bits, a position in the code of the Manual can include values other than 0 and 1. The code described at page 1-32 refers to the keying in by a user of a code. Each number keyed in by the user is presumably assigned a particular value such as a 7 or 8 bit ASCII value. The Manual provides no indication as to how bits that may represent the entered code are stored or processed. Therefore, the Manual is unrelated to claim 1 and does not disclose or suggest an indirect selection of control parameters by algorithmic processing of values of bit positions.

In the “Response to Arguments” section of the Final Office Action, the Examiner asserts that “it is inherent when storing information in a computer system that it will be stored and processed in binary.” As set forth above, while each number keyed in by the user might be assigned a binary value of a certain number of bits, *the Manual provides no indication as to how bits that may represent an entered code are stored or processed*. Whether or not stored information is inherently stored and processed in binary has no bearing on whether the features of claims 1 and 7 are disclosed or suggested by the Manual.

Furthermore, the table at page 1-32 indicates that for each value in a code position or position-combination, the value is directly assigned to particular equipment, a market version, cylinders, or a distance impulse number. The code is not processed so that a single value can refer to different things depending on the step of an algorithm being executed. Accordingly, even if one assumes for the sake of argument that the Manual refers to a selection, which Applicant does not concede, the Manual still would not refer to an indirect selection.

Accordingly, the Manual does not disclose or suggest an “*indirect selection of control parameters . . . by algorithmic processing of values of a plurality of bit positions of the version coding,*” as recited in claim 1, or “selecting control parameters of the vehicle

version *by algorithmic processing* of values of a plurality of *bit positions* of the version coding,” as recited in claim 7.

Since Gormley does not overcome the deficiencies noted above with respect to the Manual, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable claims 1 and 7.

As for claims 2 to 5 which depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

As for claims 8 to 11 which ultimately depend from claim 7 and therefore include all of the features recited in claim 7, it is respectfully submitted that the combination of the Manual and Gormley does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 7. *Id.*

In view of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claims 6 and 12 Under 35 U.S.C. § 103(a)**

Claims 6 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Manual, Gormley, and U.S. Patent No. 6,184,661 (“Becker et al.”). It is respectfully submitted that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable the present claims for the following reasons.

As an initial matter, the Office Action indicates that claims 7 and 12 are rejected as allegedly being unpatentable over the combination of the Manual, Gormley, and Becker et al. It is assumed that the Office Action intended to reject claims 6 and 12 on this basis.

Claim 6 ultimately depends from claim 1 and therefore includes all of the features recited in claim 1. Since Becker et al. do not overcome the deficiencies noted above with respect to the combination of the Manual and Gormley, it is respectfully submitted that that the combination of the Manual, Gormley, and Becker et al. does not render unpatentable dependent claim 6.

Claim 12 ultimately depends from claim 7 and therefore includes all of the features recited in claim 7. Since Becker et al. do not overcome the deficiencies noted above with respect to the combination of the Manual and Gormley, it is respectfully submitted that

the combination of the Manual, Gormley, and Becker et al. does not render unpatentable dependent claim 12.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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